

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

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| IN THE MATTER OF THE APPLICATION OF |) | |
| TIDEWATER ENVIRONMENTAL SERVICES, INC. |) | |
| FOR A CERTIFICATE OF PUBLIC |) | |
| CONVENIENCE AND NECESSITY TO PROVIDE |) | |
| WASTEWATER SERVICES TO FIVE PARCELS OF |) | |
| LAND TO BE DEVELOPED AS "BURTON BRAY," |) | PSC DOCKET NO. 05-WW-013 |
| LOCATED ON EITHER SIDE OF DELAWARE |) | |
| ROUTE 24 AND ON EITHER SIDE OF |) | |
| HOLLYMOUNT AND PINEWATER ROADS, AT |) | |
| ANGOLA, SUSSEX COUNTY, DELAWARE |) | |
| (FILED JUNE 24, 2005) |) | |

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| IN THE MATTER OF THE APPLICATION OF |) | |
| TIDEWATER ENVIRONMENTAL SERVICES, INC |) | |
| TO ABANDON UNDER 26 DEL. C. § 203A(d) |) | |
| WASTEWATER SERVICE PROVIDED UNDER A |) | PSC DOCKET NO. 18-0223 |
| CERTIFICATE OF PUBLIC CONVENIENCE AND |) | |
| NECESSITY FOR THE BURTON BRAY PROJECT |) | |
| IN SUSSEX COUNTY, DELAWARE |) | |
| (FILED APRIL 11, 2018) |) | |

ORDER NO. 9266

AND NOW, this 22nd day of May 2018, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on September 20, 2005, by way of Order No. 6725, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Tidewater Environmental Services, Inc. ("TESI") to provide wastewater services for five parcels of land in Sussex County identified as "Burton Pray"; and

WHEREAS, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on April 11, 2018, TESI submitted an application (the "Application") requesting authorization to abandon or discontinue

providing wastewater operations or service for the CPCN, specifically Sussex County Tax Map Parcel Numbers 234-11.00-57.00, 234-11.00-97.00, 234-11.00-98.00, 234-17.00-17.00, and 234-17.00-29.00 (the "Parcels"); and

WHEREAS, 26 *Del. C.* § 203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 *Del. C.* § 203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Application because Staff believes TESI has met its burden of proof as set forth in 26 *Del. C.* § 203A(d)(3). First, the abandonment is reasonable because TESI has stated that it has not built any plant to supply wastewater service to the Parcels. Second, it is necessary as the owner of the Parcels has requested that TESI remove the Parcels from its current wastewater service territory. TESI noted that the owner of the Parcels intends to seek wastewater service from another wastewater utility. Lastly, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing TESI customers are located on the Parcels. Hence,

Staff finds that the abandonment will not be unduly disruptive to the future public convenience and necessity because the owner of the Parcels and any future customers should be able to obtain wastewater services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves TESI's Application.
2. TESI shall, consistent with our previous practices, provide to the landowner of the Parcels at least 30 days' prior written notice of TESI's abandonment of wastewater services. TESI shall provide proof of such written notice to Commission Staff on or before July 13, 2018.
3. TESI is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 Del. C. § 114(b)(1).
4. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary